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10/822,617	04/12/2004	Mark A. Weiss	10379-6U2	3288

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PANITCH SCHWARZE BELISARIO & NADEL LLP  
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2005 MARKET STREET, SUITE 2200  
PHILADELPHIA, PA 19103

EXAMINER
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LETT, THOMAS J

ART UNIT	PAPER NUMBER
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2625

NOTIFICATION DATE	DELIVERY MODE
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04/01/2011

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

usptomail@panitchlaw.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/822,617	<b>Applicant(s)</b> WEISS, MARK A.	
	<b>Examiner</b> THOMAS J. LETT	<b>Art Unit</b> 2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 14 January 2011.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 10-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 10-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)         | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments filed 14 January 2011 with respect to pending claims 1, 2, and 10-35 have been considered but are moot in view of the new grounds of rejection.

Examiner views Applicant's invention as a pre-printed sheet having a color bar of colors in a border region of a sheet of paper. Applicant's figure 1A of the instant application is a clear illustration of what Applicant is claiming. Examiner applies the prior art of Garross et al. (US 20020190520 A1) which claims the benefit of provisional application 60/298,987 filed January 18, 2001.

Examiner merely uses the Garross et al. publication instead of the provisional for ease of access to the information disclosed.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 10, 12-14, 16-18, 20-22, 24-26, 28-30 and 32-35 are rejected under 35 U.S.C. 102(b) as being anticipated by Garross et al. (US 20020190520 A1 which claims the benefit of provisional application 60/298,987 filed January 18, 2001).

Regarding claim 1, Garross et al. disclose an article of manufacture for use in a proofing process comprising a sheet of paper that includes:

(a) a blank region (see top of label 94 in figure 9) for subsequent printing of a content image portion (the prior art structure is capable of performing the intended use and therefore meets the claim); and

(b) a border region outside of the blank region (see bottom border of label 94 in figure 9), the border region including one or more standard color bars pre-printed thereon and having no content image portion (see arrangement of color blocks 96, 98, 100, 102 and 104 in the border region of label 94 in figure 9), and each of the one or more standard color bars having a plurality of color blocks of different colors (color blocks 96, 98, 100, 102 and 104), each color block reflecting a wavelength in the electromagnetic spectrum that represents a color selected from a color space (e.g., red, green, etc., para. 0044), wherein the blank region and the border region constitute the entire surface area of one side of the sheet of paper (see figure 9), and wherein the one or more standard color bars extend along a portion of an edge of the sheet of paper and are significantly closer in proximity to the edge of the sheet of paper than an opposing edge of the sheet of paper (see arrangement of color blocks 96, 98, 100, 102 and 104 in the border region of label 94 in figure 9).

Regarding claim 2, Garross et al. discloses the article of manufacture sheet of paper of claim 1 wherein the border region of the sheet of paper further comprises one pre-printed standard color bar (see bottom border of label 94 in figure 9), the border region having a blank area adjacent to the pre-printed color bar (see top of label 94 in figure 9) for subsequent printing of a second color bar (the prior art structure is capable of performing the intended use and therefore meets the claim).

Regarding claim 10, Garross et al. discloses the article of manufacture of claim 1 wherein the border region of the sheet of paper is a minor sized region of the sheet of paper and the blank region is a major sized region of the sheet of paper (see preprinted label 94 of figure 9).

Regarding claim 12, Garross et al. discloses an article of manufacture for use in a proofing process comprising a sheet of paper that includes:

(a) a border region including one or more standard color bars pre-printed thereon, and each of the one or more standard color bars having a plurality of color blocks (see bottom border of label 94 in figure 9 with color blocks 96, 98, 100, 102 and 104), each color block reflecting a wavelength in the electromagnetic spectrum that represents a color selected from a color space (e.g., red, green, etc., para. 0044); and

(b) a blank region outside of the border region (see top of label 94 in figure 9) for subsequent printing of a content image portion, wherein the border region (bottom of 94) and the blank region (top of 94) constitute the entire surface area of one side of the sheet of paper (bottom of 94 + top of 94).

wherein the one or more standard color bars extend along a portion of an edge of the sheet of paper and are significantly closer in proximity to the edge of the sheet of paper than an opposing edge of the sheet of paper (see paper edge arrangement of color blocks 96, 98, 100, 102 and 104 in the border region of label 94 in figure 9).

Regarding claim 13, Garross et al. discloses the article of manufacture of claim 12 wherein the border region further comprises one pre-printed standard color bar (see bottom border of label 94 in figure 9), the border region having a blank area adjacent to

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the pre-printed color bar (an area in between the top of label 94 and the bottom of label 94) for subsequent printing of a second color bar (the prior art structure is capable of performing the intended use and therefore meets the claim).

Regarding claim 14, Garross et al. discloses the article of manufacture of claim 12 wherein the border region of the sheet of paper is a minor sized region of the sheet of paper and the blank region is a major sized region of the sheet of paper (see preprinted label 94 of figure 9).

**Regarding claim 16**, Garross et al. disclose an article of manufacture for use in a proofing process comprising a sheet of paper that includes:

(a) a blank region (see top of label 94 in figure 9) for subsequent printing of a content image portion (the prior art structure is capable of performing the intended use and therefore meets the claim); and

(b) a border region outside of the blank region (see bottom border of label 94 in figure 9), the blank region and the border region being adjacent to each other on only one side of their respective regions (bottom of 94 is adjacent to top of 94, see preprinted label 94 of figure 9), the border region including one or more standard color bars pre-printed (see bottom border of label 94 in figure 9), and each of the one or more standard color bars having a plurality of color blocks, each color block reflecting a wavelength in the electromagnetic spectrum that represents a color selected from a color space (e.g., red, green, etc., para. 0044), wherein the blank region (top of 94) and the border region (bottom of 94) constitute the entire surface area of one side of the sheet of paper (bottom of 94 + top of 94), and

wherein the one or more standard color bars extend along a portion of an edge of the sheet of paper and are significantly closer in proximity to the edge of the sheet of paper than an opposing edge of the sheet of paper (see arrangement of color blocks 96, 98, 100, 102 and 104 in the border region of label 94 in figure 9).

Regarding claim 17, Garross et al. disclose a blank region (see top of label 94 in figure 9) for subsequent printing of a second color bar on a pre-printed color print (the prior art structure is capable of performing the intended use and therefore meets the claim).

Regarding claim 18, Garross et al. disclose an article of manufacture of claim 16 wherein the border region of the sheet of paper is a minor sized region of the sheet of paper and the blank region is a major sized region of the sheet of paper (see preprinted label 94 of figure 9).

**Regarding claim 20**, Garross et al. disclose an article of manufacture for use in a proofing process comprising a sheet of paper that includes:

(a) a border region including one or more standard color bars pre-printed thereon (see preprinted label 94 of figure 9), and each of the one or more standard color bars having a plurality of color blocks (see bottom border of label 94 in figure 9), each color block reflecting a wavelength in the electromagnetic spectrum that represents a color selected from a color space (e.g., red, green, etc., para. 0044); and

(b) a blank region outside of the border region (see top of label 94 in figure 9) for subsequent printing of a content image portion (the prior art structure is capable of performing the intended use and therefore meets the claim), the blank region and the

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border region being adjacent to each other on only one side of their respective regions (bottom of 94 is adjacent to top of 94 in figure 9), wherein the border region and the blank region constitute the entire surface area of one side of the sheet of paper (figure 9), and

wherein the one or more standard color bars extend along a portion of an edge of the sheet of paper and are significantly closer in proximity to the edge of the sheet of paper than an opposing edge of the sheet of paper (see arrangement of color blocks 96, 98, 100, 102 and 104 in the border region of label 94 in figure 9).

Regarding claim 21, Garross et al. disclose a blank region (see top of label 94 in figure 9) for subsequent printing of a second color bar on a pre-printed color print (the prior art structure is capable of performing the intended use and therefore meets the claim).

Regarding claim 22, Garross et al. disclose an article of manufacture of claim 20 wherein the border region of the sheet of paper is a minor sized region of the sheet of paper and the blank region is a major sized region of the sheet of paper (see preprinted label 94 of figure 9).

**Regarding claim 24**, Garross et al. disclose an article of manufacture for use in a proofing process comprising a sheet of paper that includes:

(a) a blank region (see top of label 94 in figure 9) for subsequent printing of a content image portion (the prior art structure is capable of performing the intended use and therefore meets the claim); and



(b) a border region outside of the blank region, the border region including one or more standard color bars pre-printed (see bottom of preprinted label 94 of figure 9), and each of the one or more standard color bars having a plurality of color blocks (see bottom border of label 94 in figure 9), each color block reflecting a wavelength in the electromagnetic spectrum that represents a color selected from a color space (e.g., red, green, etc., para. 0044), wherein the blank region and the border region constitute the entire surface area of one side of the sheet of paper (bottom of 94 + top of 94), and

wherein the one or more standard color bars extend along a portion of an edge of the sheet of paper and are significantly closer in proximity to the edge of the sheet of paper than an opposing edge of the sheet of paper (see arrangement of color blocks 96, 98, 100, 102 and 104 in the border region of label 94 in figure 9).

Regarding claim 25, Garross et al. disclose a blank region (see top of label 94 in figure 9) for subsequent printing of a second color bar on a pre-printed color print (the prior art structure is capable of performing the intended use and therefore meets the claim).

Regarding claim 26, Garross et al. disclose an article of manufacture of claim 24 wherein the border region of the sheet of paper is a minor sized region of the sheet of paper and the blank region is a major sized region of the sheet of paper (see arrangement of color blocks 96, 98, 100, 102 and 104 in the border region of label 94 in figure 9).

**Regarding claim 28,** Garross et al. disclose an article of manufacture for use in a proofing process comprising a sheet of paper that includes:

(a) a border region including one or more standard color bars pre-printed thereon (see bottom of preprinted label 94 of figure 9) and only color bar-related indicia (see bottom border of label 94 in figure 9 with color blocks 96, 98, 100, 102 and 104), and each of the one or more standard color bars having a plurality of color blocks (see bottom border of label 94 in figure 9), each color block reflecting a wavelength in the electromagnetic spectrum that represents a color selected from a color space (e.g., red, green, etc., para. 0044); and

(b) a blank region outside of the border region (see top of label 94 in figure 9) for subsequent printing of a content image portion (the prior art structure is capable of performing the intended use and therefore meets the claim), wherein the border region and the blank region constitute the entire surface area of one side of the sheet of paper (bottom of 94 + top of 94; see fig. 9), and

wherein the one or more standard color bars extend along a portion of an edge of the sheet of paper and are significantly closer in proximity to the edge of the sheet of paper than an opposing edge of the sheet of paper (see arrangement of color blocks 96, 98, 100, 102 and 104 in the border region of label 94 in figure 9).

Regarding claim 29, Garross et al. disclose a blank region (see top of label 94 in figure 9) for subsequent printing of a second color bar on a pre-printed color print (the prior art structure is capable of performing the intended use and therefore meets the claim).

Regarding claim 30, Garross et al. disclose an article of manufacture of claim 28 wherein the border region of the sheet of paper is a minor sized region of the sheet of

paper and the blank region is a major sized region of the sheet of paper (see arrangement of color blocks 96, 98, 100, 102 and 104 in the border region of label 94 in figure 9).

Regarding claim 32, Garross et al. discloses an article of manufacture of claim 1 wherein the blank region and the border region are adjacent to each other on only one side of their respective regions (bottom of 94 is adjacent to top of 94, see preprinted label 94 of figure 9).

Regarding claim 33, Garross et al. discloses an article of manufacture of claim 12 wherein the blank region and the border region are adjacent to each other on only one side of their respective regions (bottom of 94 is adjacent to top of 94, see preprinted label 94 of figure 9).

Regarding claim 34, Garross et al. discloses an article of manufacture of claim 1 wherein the border region includes only color bar-related indicia (see bottom border of label 94 in figure 9 with color blocks 96, 98, 100, 102 and 104).

Regarding claim 35, Garross et al. discloses an article of manufacture of claim 12 wherein the border region includes only color bar-related indicia (see bottom border of label 94 in figure 9 with color blocks 96, 98, 100, 102 and 104).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11, 15, 19, 23, 27 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garross et al. (US 20020190520 A1 which claims the benefit of provisional application 60/298,987 filed January 18, 2001) in view of Komori et al. (US 20010042483 A1).

Regarding claim 11, Garross et al. does not expressly disclose the article of manufacture of claim 1 wherein the sheet of paper is proofing paper.

Komori et al discloses a sheet that is a color proofing print 4, para. 0083.

Garross et al. in view of Komori are analogous art because they are from the similar problem solving area of color evaluation. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to replace the proofing paper of Komori with the sheet of Garross et al. in order to obtain proofing paper. The motivation for doing so would be to use a sheet known for proofing evaluation.

Regarding claim 15, Garross et al. does not expressly disclose the article of manufacture of claim 12 wherein the sheet of paper is proofing paper.

Komori et al discloses a sheet that is a color proofing print 4, para. 0083.

Garross et al. in view of Komori are analogous art because they are from the similar problem solving area of color evaluation. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to replace the proofing paper of Komori with the sheet of Garross et al. in order to obtain proofing paper. The motivation for doing so would be to use a sheet known for proofing evaluation.

Regarding claim 19, Garross et al. does not expressly disclose an article of manufacture of claim 16 wherein the sheet of paper is proofing paper.

Komori et al discloses a sheet that is a color proofing print 4, para. 0083.

Garross et al. in view of Komori are analogous art because they are from the similar problem solving area of color evaluation. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to replace the proofing paper of Komori with the sheet of Garross et al. in order to obtain proofing paper. The motivation for doing so would be to use a sheet known for proofing evaluation.

Regarding claim 23, Garross et al. does not expressly disclose an article of manufacture of claim 20 wherein the sheet of paper is proofing paper.

Komori et al discloses a sheet that is a color proofing print 4, para. 0083.

Garross et al. in view of Komori are analogous art because they are from the similar problem solving area of color evaluation. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to replace the proofing paper of Komori with the sheet of Garross et al. in order to obtain proofing paper. The motivation for doing so would be to use a sheet known for proofing evaluation.

Regarding claim 27, Garross et al. does not expressly disclose an article of manufacture of claim 24 wherein the sheet of paper is proofing paper.

Komori et al discloses a sheet that is a color proofing print 4, para. 0083.

Garross et al. in view of Komori are analogous art because they are from the similar problem solving area of color evaluation. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to replace the proofing paper of

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Komori with the sheet of Garross et al. in order to obtain proofing paper. The motivation for doing so would be to use a sheet known for proofing evaluation.

Regarding claim 31, Garross et al. does not expressly disclose an article of manufacture of claim 28 wherein the sheet of paper is proofing paper.

Komori et al discloses a sheet that is a color proofing print 4, para. 0083.

Garross et al. in view of Komori are analogous art because they are from the similar problem solving area of color evaluation. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to replace the proofing paper of Komori with the sheet of Garross et al. in order to obtain proofing paper. The motivation for doing so would be to use a sheet known for proofing evaluation.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to THOMAS J. LETT whose telephone number is (571) 272-7464. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Zimmerman can be reached on (571) 272-7653. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/THOMAS J LETT/  
Examiner, Art Unit 2625